

# Equal Employment Opportunity (EEO) & Anti Bullying

## Policy

This policy applies to all staff including contractors and covers all work-related functions and activities including external training courses sponsored by {Business Name}.

It also applies to all recruitment, selection and promotion decisions.

The objective of {Business Name}'s Equal Opportunity Policy is to improve business success by:

- attracting and retaining the best possible employees
- providing a safe, respectful and flexible work environment
- delivering our services in a safe, respectful and reasonably flexible way

## Discrimination, Sexual Harassment and Bullying

{Business Name} is committed to providing a workplace free from discrimination, sexual harassment and bullying. Behaviour that constitutes discrimination, sexual harassment or bullying will not be tolerated and will lead to action being taken, which may include dismissal.

For the purposes of this policy, the following definitions apply:

### Discrimination:

**Direct discrimination** occurs when someone is treated unfavourably because of a personal characteristic that is protected under Victorian law.

**Indirect Discrimination** occurs when a rule seems neutral but has a discriminatory impact on certain people. For example, a minimum height requirement of 6 feet for a particular job might be applied equally to men and women, but would indirectly discriminate based on sex, as women tend to be shorter than men.

**Sexual harassment** includes unwelcome conduct of a sexual nature in circumstances in which it could reasonably be expected to make a person feel offended, humiliated or intimidated a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated.

**Workplace bullying** may include behaviour that is directed toward an employee, or group of employees, that creates a risk to health and safety eg: physical and/or verbal abuse, excluding or isolating individuals; or giving impossible tasks.

{Business Name} provides equal opportunity in employment to people without discrimination based on a personal characteristic protected under state and federal equal opportunity legislation.

Under State legislation, they include:

- age
- breastfeeding
- carer status
- disability
- employment activity
- gender identity
- industrial activity
- lawful sexual activity
- marital status
- parental status
- personal association with someone having any of these characteristics
- physical features
- political activity/belief
- pregnancy
- race
- religious activity/belief
- sex
- sexual orientation

Any employee found to have contravened this policy will be subject to disciplinary action, which may include dismissal as outlined in the complaint procedure below.

Employees must report any behaviour that constitutes sexual harassment, bullying or discrimination to their manager.

Employees will not be victimised or treated unfairly for raising an issue or making a complaint.

## **Reasonable adjustments**

Reasonable adjustments are changes that allow people with a disability to work safely and productively.

{Business Name} will make reasonable adjustments for a person with a disability who:

- applies for a job, is offered employment, or is an employee, and
- requires adjustments to participate in the recruitment process or perform the genuine and reasonable requirements of the job.

Examples of reasonable adjustments can include:

- reviewing and, if necessary, adjusting the performance requirements of the job
- arranging flexibility in work hours (see 'Flexible Work arrangements')
- provide telephone typewriter (TTY) phone access for employees with hearing or speech impairments
- purchasing screen reading software for employees with a vision impairment
- approving more regular breaks for people with chronic pain or fatigue
- buying desks with adjustable heights for people using a wheelchair

When thinking about reasonable adjustments {Business Name} will weigh up the need for change with the expense or effort involved in making it. If making adjustment means a very high cost or great disruption to the workplace, it is not likely to be reasonable.

In some cases {Business Name} can discriminate on the basis of disability, if:

- the adjustments needed are not reasonable, or
- the person with the disability could not perform the genuine and reasonable requirements of the job even if the adjustments were made.

## **Procedure: To make a complaint**

If you believe you are being, or have been, discriminated against, sexually harassed or bullied, you should follow this procedure.

1. Tell the offender the behaviour is offensive, unwelcome, and against business policy and should stop (only if you feel comfortable enough to approach them directly, otherwise speak to your manager). Keep a written record of the incident(s).
2. If the unwelcome behaviour continues, contact your supervisor or manager for support.
3. If this is inappropriate, you feel uncomfortable, or the behaviour persists, contact another relevant senior manager. Employees may lodge a complaint with the Victorian Equal Opportunity and Human Rights Commission, the Australian Human Rights Commission, or take action under the *Fair Work Act 2009*.

Employees should feel confident that any complaint they make is to be treated as confidential as far as possible.

## Procedure: To receive a complaint

When a manager receives a complaint or becomes aware of an incident that may contravene {Business Name} EEO Policies, they should follow this procedure.

1. Listen to the complaint seriously and treat the complaint confidentially. Allow the complainant to bring another person to the interview if they choose to.
2. Ask the complainant for the full story, including what happened, step by step.
3. Take notes, using the complainant's own words.
4. Ask the complainant to check your notes to ensure your record of the conversation is accurate.
5. Explain and agree on the next action with the complainant.
6. If investigation is not requested (and the manager is satisfied that the conduct complained is not in breach of {Business Name} EEO policies) then the manager should:
  - act promptly
  - maintain confidentiality
  - pass any notes on to the manager's manager

If an investigation is requested or is appropriate, follow the next procedure.

## Procedure: To investigate a complaint

When a manager investigates a complaint, they should follow this procedure.

1. Do not assume guilt.
2. Advise on the potential outcomes of the investigation if the allegations are substantiated.
3. Interview all directly concerned, separately.
4. Interview witnesses, separately.
5. Keep records of interviews and the investigation.
6. Interview the alleged harasser, separately and confidentially and let the alleged harasser know exactly what they are being accused of. Give them a chance to respond to the accusation. Make it clear they do not have to answer any questions, however, the manager will still make a decision regardless.
7. Listen carefully and record details.
8. Ensure confidentiality, minimise disclosure.
9. Decide on appropriate action based on investigation and evidence collected.
10. Check to ensure the action meets the needs of the complainant and {Business Name}.
11. If resolution is not immediately possible, refer the complainant to more senior management. If the resolution needs a more senior manager's authority, refer the complainant to this manager.
12. Discuss any outcomes affecting the complainant with them to make sure where appropriate you meet their needs.

## Possible outcomes

Guidance note (*delete afterwards*): Note that legal action could also be taken against the individual employee responsible for the conduct and the business.

If after investigation management finds the complaint is justified, management will discuss with the complainant the appropriate outcomes which may include:

- disciplinary action to be taken against the perpetrator (counselling, warning or dismissal)
- staff training
- additional training for the perpetrator or all staff, as appropriate
- counselling for the complainant
- an apology (the particulars of such an apology to be agreed between all involved)